

1 AN ACT relating to flagrant nonsupport.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 530.050 is amended to read as follows:

- 4 (1) A person is guilty of nonsupport:
- 5 (a) When he or she persistently fails to provide support which he or she can  
6 reasonably provide and which the person~~[he]~~ knows he or she has a duty to  
7 provide to a minor,~~[or to]~~ a child adjudged mentally disabled, an indigent  
8 spouse, or indigent parent; or
- 9 (b) Upon a finding that a defendant obligor, subject to court order to pay any  
10 amount for the support of a minor child, is delinquent in meeting the full  
11 obligation established by the court~~[such]~~ order, and has been~~[so]~~ delinquent  
12 for a period of at least two (2) months duration.
- 13 (2) A person is guilty of flagrant nonsupport when he or she persistently fails to  
14 provide support which he or she can reasonably provide and which the person~~[he]~~  
15 knows he or she has a duty to provide by virtue of a court or administrative order to  
16 a minor,~~[or to]~~ a child adjudged mentally disabled, an indigent spouse, or indigent  
17 parent, and the failure results in:
- 18 (a) An arrearage of not less than five~~[one]~~ thousand dollars (\$5,000)~~[\$1,000]~~; or
- 19 (b) Six (6) consecutive months without payment of support; or
- 20 (c) The dependent having been placed in destitute circumstances. For the  
21 purposes of this paragraph, it shall be prima facie evidence that a dependent  
22 has been placed in destitute circumstances if the dependent is a recipient of  
23 public assistance as defined in KRS 205.010.
- 24 (3) A person has a duty to provide support for an indigent spouse, a minor child or  
25 children, or a child or children adjudged mentally disabled and, for purposes of this  
26 section, is presumed to know of that duty.
- 27 (4) Any person who is eighteen (18) years of age or over, residing in this state and

1           having in this state a parent who is destitute of means of subsistence and unable  
2           because of old age, infirmity, or illness to support himself or herself, has a duty to  
3           provide support for such parent and, for purposes of this section, is presumed to  
4           know of that duty.

5   (5) Nonsupport is a Class A misdemeanor. For a second offense, the person shall  
6       receive a minimum sentence of seven (7) days in jail. For a third or any subsequent  
7       offense, the person shall receive a minimum sentence of thirty (30) days in jail.

8   (6) Flagrant nonsupport is a Class D felony.